

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ASHBY HENDERSON and THOMAS
HERSHENSON**, Individually and on Behalf
of All Others Similarly Situated,

Plaintiffs,

v.

**BANK OF NEW YORK MELLON,
NATIONAL ASSOCIATION,**

Defendant.

Case No. 1:15-cv-10599-PBS

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Plaintiffs, Ashby Henderson and Thomas Hershenson, move this Court for preliminary approval of the Settlement Agreement And Release ("Settlement Agreement") filed contemporaneously with the Court, entered into between the Parties in the above captioned proceeding.

In support of their request, Plaintiffs assert that the proposed Settlement Agreement is fair, adequate and reasonable and is consistent with the provisions of Rule 23. BNY Mellon does not oppose this motion. In further support of the motion, Plaintiffs refer the Court to Plaintiffs' Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Settlement, submitted herewith. A proposed Order is attached to the Settlement as Exhibit 3.

The Parties also request that the Court set a hearing date for Final Approval of the Settlement ("Fairness Hearing") no earlier than 135 days after preliminary approval, and after completion of the required notice and the passing of the opt-out date.

Dated: March 4, 2018

Respectfully submitted,

/s/ Elizabeth Ryan

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF) on March 4, 2018.

/s/ Elizabeth Ryan
Elizabeth Ryan